

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FIRST CLASS MAIL

Eric C. Faust, President
Philly Transportation, LLC
2905 Abbottsford Avenue
Philadelphia PA, 19129-1133

**Re: Tank Car Property (Walnut Avenue and Oreland
Mills Road, Oreland, PA)**

Dear Mr. Faust:

This letter supplements our recent telephone conversations and the meeting held today at the Tank Car property located near the intersection of Walnut Avenue and Oreland Mill Road in Oreland, PA. I understand that Philly Transportation, LLC (PT) has leased the property from Tank Car Corporation of America (TCCA) and plans to construct and operate a school bus depot at this location.

EPA's records reflect that from approximately 1921 until 2001, TCCA repaired and/or maintained railroad tank cars at the property and conducted operations including, among other things, sandblasting and painting railroad tank cars. TCCA's operations resulted in the generation of hazardous substances that were placed into various impoundments and tanks at the property. TCCA's operations also resulted in the accumulation of sand blasting grit containing hazardous substances which was located upon the surface of the property and adjacent parcels. TCCA ceased rail car maintenance operations at the Site in 2001.

EPA's investigation of the property revealed the presence of, among other things, hazardous substances in tank cars, tanks, surface soil, subsurface soil, and subsurface water at the Site as well as threats presented by the release and/or threatened release of such substances into the environment. EPA selected a Superfund removal response action for the Site in January 2007 and conducted the action through 2011. The action included the excavation of two formerly used lagoons containing tarry material contaminated with, among other things, benzene, naphthalene, and polycyclic aromatic hydrocarbons; off-site disposal of the tarry material; backfilling the lagoons with the sandblasting grit; consolidating sandblasting grit into the property; and capping the sandblasting grit with a minimum of 2 feet of clay and several inches of 2a modified stone. The cap is graded to funnel water towards the sediment basin in the northern area of the property.

At the completion of the removal action, EPA advised TCCA that the cap must be maintained to prevent the release of the buried contaminated sandblast grit into the environment. EPA erected a "no dig" sign on the property and notified Springfield Township and the

Pennsylvania Department of Environmental Protection of the importance of maintaining the integrity of the cap.

EPA understands that PT has already installed perimeter fencing at the property and plans to install light poles. Because this work has the potential to impact the cap, EPA recommends that PT coordinate this work, as well as any additional work requiring excavation or regrading, with EPA.¹ To facilitate the coordination, EPA recommends that PT provide a detailed work plan that includes, at a minimum, the following information:

- 1) A Site layout plan accurately depicting current structures and features.
- 2) A Site plan including any areas that will have soils disturbed including fence locations, light pole installation locations, and the locations of any other proposed structures.
- 3) A description and figure, as appropriate, of any grading plans including the addition of stone or gravel. Please note that the current cap should not be reduced in any manner.
- 4) A plan describing how the integrity of the cap will be preserved and how maintenance will be performed. Include any pertinent information such as methods, frequency, etc. as appropriate.

To assist you in moving forward, EPA will provide you with “as-built” maps and data that depicts the location and profiles of the buried sandblasting grit and historical features as well as the current grade.

EPA will review the submitted information and contact you to discuss any concerns we might have with the work and its potential to impact contamination at the property.

¹ Note that among the legal requirements necessary to maintain eligibility for “bona fide prospective purchaser” status (a status which protects persons from Superfund liability which may arise as a result of their ownership or operation of a contaminated property) is the obligation to

“[exercise] appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

- (i) stop any continuing release;
- (ii) prevent any threatened future release; and
- (iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.”

42 U.S.C. § 9601(40)(D). Coordinating with EPA regarding work that could potentially cause a release if performed improperly would be regarded as an act contributing to reasonable steps. For information about the “bona fide prospective purchaser” status visit <http://www.epa.gov/compliance/cleanup/revitalization/bfpp.html>. For background on EPA’s application of this status to tenants, see EPA guidance entitled “*Revised Enforcement Guidance Regarding the Treatment of Tenants Under the CERCLA Bona Fide Prospective Purchaser Provision*” (December 5, 2012).

Thank you for your time and attention to this matter. Should you have any questions, please feel free to contact me.

Sincerely,

Myles P. Bartos
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